

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER
123295

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
New U.S. National Stage of PCT/EP03/03851

INTERNATIONAL APPLICATION NO.
PCT/EP03/03851

INTERNATIONAL FILING DATE
April 14, 2003

PRIORITY DATE CLAIMED
October 12, 2002

TITLE OF INVENTION
ELECTRONIC DISPLAY AND CONTROL DEVICE FOR A MEASURING DEVICE

APPLICANTS FOR DO/EO/US
Gerhard KERN et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 - c. ☐ The International Application was filed in English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventors (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Transmittal of Power of Attorney and Statement

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|--|--------------|--|-----|-------------------------------|----|
| U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) New U.S. National Stage of PCT/EP03/03851 | | INTERNATIONAL APPLICATION NO. PCT/EP03/03851 | | ATTORNEY'S DOCKET NUMBER 5 | |
| 21. <input type="checkbox"/> The following fees are submitted: | | | | CALCULATIONS | |
| | | | | PTO USE ONLY | |
| BASIC NATIONAL FEE (37 CFR 1.492(a)): \$ 300.00 | | | | \$ | |
| SEARCH FEE (37 CFR 1.492(b)(1)-(3)): | | | | \$ | |
| International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA \$ 100.00 | | | | | |
| International search report provided to USPTO no later than the time at which the search fee is paid \$ 400.00 | | | | | |
| All situations not provided for above \$ 500.00 | | | | \$ | |
| EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)): | | | | | |
| International preliminary examination report prepared by the USPTO as IPEA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 100.00 | | | | | |
| All situations not provided for above \$ 200.00 | | | | \$ | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | | |
| TOTAL PAGES OF APPLICATION OVER 100 (- 100) | | + 50 | = † | x 250 = | \$ |
| †round up to next integer | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | | RATE | \$ |
| TOTAL CLAIMS | - 20 | = | | x 50.00 = | \$ |
| INDEPENDENT CLAIMS | - 3 | = | | x 200.00 = | \$ |
| MULTIPLE DEPENDENT CLAIM(S)(if applicable) | | | | + 360.00 = | \$ |
| TOTAL OF ABOVE CALCULATIONS = | | | | | \$ |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | | \$ |
| SUBTOTAL = | | | | | \$ |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | | \$ |
| TOTAL NATIONAL FEE = | | | | | \$ |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | | \$ |
| TOTAL FEES ENCLOSED = | | | | | \$ |
| | | | | Amount to be refunded: | \$ |
| | | | | charged: | \$ |
| a. <input type="checkbox"/> Check No. _____ in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0461</u> . A duplicate copy of this sheet is enclosed. Credit card d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Provide credit card information and authorization on PTO-2038. information should not be included on this form. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944 | | | | | |
| Date <u>April 7, 2005</u> | | NAME: <u>James A. Oliff</u> REGISTRATION NUMBER: <u>27,075</u> NAME: <u>Jesse O. Collier</u> REGISTRATION NUMBER: <u>53,839</u> | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Gerhard KERN et al.

Application No.: New U.S. National Stage of
PCT/EP03/03851

Docket No.: 123295

Filed: April 7, 2005

For: ELECTRONIC DISPLAY AND CONTROL DEVICE FOR A MEASURING DEVICE

**TRANSMITTAL OF POWER OF ATTORNEY AND
STATEMENT UNDER 37 CFR § 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

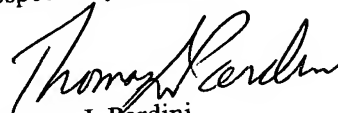
Submitted herewith is a Power of Attorney from the Assignee.

In compliance with 37 CFR §3.73(b), the undersigned hereby states that LEICA
GEOSYSTEMS AG is the assignee of the entire right, title and interest in the patent application
identified above by virtue of an assignment from the inventors of the patent application identified
above. A copy of the assignment is attached hereto.

The undersigned is authorized to act on behalf of the assignee.

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD
BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE
(703) 836-6400.**

Respectfully submitted,



Thomas J. Pardini
Registration No. 30,411

TJP/mps

Date: April 7, 2005